



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,473	03/01/2004	Juergen Bieber	Q79410	9022
23373 7590 04/17/2008				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
CHANG, SUNRAY				
ART UNIT		PAPER NUMBER		
2121				
MAIL DATE		DELIVERY MODE		
04/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,473

Applicant(s)

BIEBER, JUERGEN

Examiner

Sunray R. Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-11,13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

P.O. Box 1450, Alexandria, Virginia 22313-1450 - WWW.USPTO.GOV

Examiner's Detailed Office Action

1. This office action is in responsive to the paper filed on July 16th, 2007.
Claims 1 – 3, 5 – 11 and 13 – 20 are presented for examination.
Claims 1 – 3, 6 – 11 and 13 and 15 – 20 are rejected.
Claims 5 and 14 are allowed.

Response to Amendment

Claim Rejections - 35 USC § 102 & 103

2. Regarding claims 1 – 3 and 6, Applicant amend the claims to include one further limitation, “contemporaneous reception”, and arguing **Brannan** reference fails to teach so which is disagreed with. First, contemporaneous reception of different signals fails to further limit the invention to overcome the rejections based on the prior arts; the plurality of sensors are continuously sensing and reporting any error as **Brannan** reference teaches “fault signals are generated ... responsive to several conditions”.
3. Regarding claims 7 – 11, 13 and 15, the Applicant's arguments are again arguing the newly added limitation, “contemporaneous reception”, which the examiner's response can be found in item 2 above.

4. Regarding claims 5 and 14, which the Applicant amends the claims to be independent form to include limitations from claims 1 and 7 in respond to “Allowable subject matter” indicated in prior office action. The claims 5 and 14 deemed allowable.

5. Regarding newly cited claims 16 – 20, which fail to further limit the independent claims, having been rejected by **Kretschmann** and **Brannan** as indicated below.

Allowable Subject Matter

6. Because of a detail definition for the “priority setting” using “selection video signal” on a “display device” by the user in claims 5 and 14 as claimed: “a selection video signal is automatically displayed on the display of the mobile display device and, on the basis of this selection video signal, an operator is able to select one of the installation parts from which the received signals originate, and tile signal assigned to the selected installation part, or a transmission signal derived therefrom, is the first of the received signals that is relayed to the analysis station” which further limit “the method of displaying a video signal on the display of a mobile display device, transmitting a signal which identifies an installation part of an industrial installation by a transmitter of the installation part; receiving the transmitted signal by a receiver of the mobile display device; automatically relaying the received signal, or a transmission signal derived from the received signal, by the mobile display device to an analysis station”, and the claims 5 and 14 deemed allowable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **claims 1 – 3, 6 and 15 – 20 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Robert J. Kretschmann (U.S. Patent No. 6,167,464, and referred to as **Kretschmann** hereinafter) and in view of Jeffrey A. Brannan (U.S. Patent No. 5,879,092 and referred to as **Brannan** hereinafter).

(**Kretschmann** as set forth above generally discloses the basic inventions.)

Regarding claims 1, 7, 15, 18 and 20,

Kretschmann teaches,

- A method of displaying a video signal on the display of a mobile display device, [a number of programs that may be invoked to provide data and communicate with a portable HMI to

display particular I/O data of I/O table or particular portions of the control program, Col. 5, lines 45 – 50] comprising:

- transmitting a signal which identifies an installation part of an industrial installation by a transmitter of the installation part; [location information, Col. 6, lines 1 – 3; location signal changes and the data and program which it executes changes accordingly, Abstract]
- receiving the transmitted signal by a receiver of the mobile display device; [location information is received by the second antenna and the tag reader of the portable HMI, Col. 6, lines 1 – 3]
- automatically relaying the received signal, or a transmission signal derived from the received signal, by the mobile display device to an analysis station; [relayed via bus to microprocessor ... relays information to central processor, Col. 6, lines 1 – 6; further Col. 4, lines 44 – 50 and 51 – 54]
- the analysis station automatically transmitting information pertaining to the installation part to the mobile display device; [solutions are transmitted to the HMI, Col. 5, lines 4 – 6; a number of programs that maybe invoked to provide data to a portable HMI to display particular I/O data of the control program, Col. 5, lines 45 – 49] and
- automatically displaying a video signal corresponding to the information pertaining to the installation part on the display of the mobile display device. [a number of programs that maybe invoked to provide data to a portable HMI to display particular I/O data of the control program, Col. 5, lines 45 – 49]

Kretschmann does not teach in the case of the reception of a plurality of different signals transmitted by transmitters in different installation parts, different priorities are automatically assigned to the received signals

Brannan teaches,

- in the case of the contemporaneous reception of a plurality of different signals transmitted by transmitters in different installation parts, different priorities are automatically assigned to the received signals. [movement is sensed by a detector, amount of paper remaining is sensed by a second detector, Fault signals are generated by a electronic circuit responsive to several conditions, Abstract; only the most severe paper jams that trigger signals indicating a malfunction in other components are generally detected by existing automated teller machines, Col. 2, lines 7 – 21] for the purpose of indicating fault conditions [Abstract].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Kretschmann** to include "the radio signal is transmitted only when there is a problem", for the purpose of indicating fault conditions [Abstract].

Regarding dependent claims 2, 8 and 9, Kretschmann teaches,

The method as claimed in claim 1, wherein

- the signal identifying the installation part comprises a radio signal, and the radio signal is transmitted as a constant pulsating signal. [Col. 4, lines 53 – 54 and Col. 6, lines 1 – 3]

Regarding dependent claims 3 and 10,

Kretschmann teaches a radio signal, and the radio signal is transmitted from the installation part.

Kretschmann does not teach the radio signal is transmitted only when there is a problem.

Brannan teaches the radio signal is transmitted only when there is a problem, for the purpose of indicating fault conditions [Abstract].

Regarding dependent claim 6, Kretschmann teaches,

The method as claimed in claim 1, wherein

- an analysis station pertaining to the installation part transmitting the signal is determined in the mobile display device on the basis of the received signal, and the received signal, or a transmission signal derived from the received signal, is relayed to the analysis station thus determined. [Col. 5, lines 45 – 56]

Regarding dependent claim 11,

The limitations in claim 11 can be found in claim 1 – 3, thus, having been rejected as indicated above.

Regarding dependent claims 16 and 19,

Brannan teaches,

The method as claimed in claim 1, wherein

- the different priorities are assigned according to a significance ranking. [the most severe paper jams that trigger signals indicating a malfunction in other components are generally detected by existing automated teller machines, Col. 2, lines 7 – 21]

Regarding dependent claim 17,

Brannan teaches,

The method as claimed in claim 1, wherein

- the assignment of the different priorities is configured by an operator. [the most severe paper jams that trigger signals indicating a malfunction in other components are generally detected by existing automated teller machines, Col. 2, lines 7 – 21]

The examiner further explains, the “paper jam” and “malfunction” as taught by **Brannan** should be necessarily defined (configured) by an operator/engineer.

8. **Claim 13 is rejected** under 35 U.S.C. 103(a) as being unpatentable over **Kretschmann**, in view of **Brannan**, and further in view of Marcus Escobosa (U.S. Patent No. 5,963,145 and referred to as **Escobosa** hereinafter).

Regarding dependent Claim 13,

Kretschmann teaches reception of signals transmitted by transmitters in different installation parts. [Fig. 1 and 2]

Brannan teaches priority for prioritizing assigning signals. [Only the most severe paper jams that trigger signals indicating a malfunction in other components are generally detected by existing automated teller machines, Col. 2, lines 7 – 21]

Escobosa teaches selecting equipment to receive and assign signals [Abstract], for the purpose of providing wireless pointer control, [Abstract]

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Kretschmann** to include teaches of **Brannan** and **Escobosa** for the purpose of providing wireless pointer control.

Correspondence Information

9. Any inquires concerning this communication or earlier communications from the examiner should be directed to Sunray Chang, who may be reached Monday through Friday, between 6:00 a.m. and 3:00 p.m. EST. or via telephone at (571) 272-3682 or facsimile transmission (571) 273-3682 or email sunray.chang@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful in the regular office hour, the Examiner's Supervisor, Albert Decady, may be reached at (571) 272-3819.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Finally, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Moreover, status information for

Art Unit: 2121

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) toll-free @ 1-866-217-9197.

Sunray Chang

Art Unit 2121

U.S. Patent & Trademark Office

April 16, 2008

/Albert DeCady/

Supervisory Patent Examiner, Art Unit 2121